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United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
MARCUS RANDALL,  
  
Defendant.

CASE NO. 1:21-CR-00129-JLT-SKO

STIPULATION TO VACATE STATUS  
CONFERENCE AND SET CASE FOR CHANGE  
OF PLEA AND ORDER THEREON

Court: Hon. Jennifer L. Thurston

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for a status conference on March 15, 2023, at 1:00 p.m.
2. By this stipulation, defendant now moves to vacate the status conference and **set the case for a change of plea hearing on April 24, 2023 at 10:00 a.m.** before the Hon. Jennifer L. Thurston. The proposed change of plea date represents the earliest date that all counsel are available, taking into account counsels' schedules, defense counsels' commitments to other clients, and the court's available dates for a change of plea hearing. In addition, the public health concerns cited by General Orders 611, 612, 617, 618, and 620 and subsequent general orders presented by the evolving COVID-19 pandemic, an ends-of-justice delay is particularly apt in this case because counsel or other relevant individuals have been encouraged to telework and minimize personal contact to the greatest extent possible.
3. The parties agree and stipulate, and request that the Court find the following:

a) The discovery associated with this case includes investigative reports and related documents, content from cell phones, and other materials. In initial discovery, the government produced more than 2,500 pages of discovery. On July 7, 2022, the government produced an additional 3,000 pages of supplemental discovery, which included documents specifically requested by the defense. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying. In addition, the government recently obtained supplemental discovery that it has produced to the defense. Counsel for the defendants believes that failure to grant the above-requested continuance would deny him/her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

b) The government does not object to the continuance.

c) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

d) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of March 15, 2023, to April 24, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: March 8, 2023

PHILLIP A. TALBERT  
United States Attorney

By: /s/ JUSTIN J. GILIO  
JUSTIN J. GILIO  
Assistant United States Attorney

1  
2 Dated: March 8, 2023

/s/ GERALD COBB  
GERALD COBB  
Attorney for Defendant Marcus Randall

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5  
6 **ORDER**

7 IT IS SO ORDERED.

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9 DATED: 3/9/2023

*Sheila K. Oberto*  
HONORABLE SHEILA K. OBERTO  
United States Magistrate Judge